



Massachusetts
Department
of
ENVIRONMENTAL
PROTECTION

fact sheet

About the Toxics Use Reduction Act (TURA) Program

The Toxics Use Reduction Act (TURA) requires Massachusetts companies that use large quantities of specific toxic chemicals to evaluate pollution prevention opportunities, implement them if practical, and measure and report their results on an annual basis. They must also evaluate their efforts and update their toxics use reduction plans every other year.

Jointly supported by industry and environmental groups, TURA (M.G.L. Chapter 21I) was passed unanimously by both houses of the state Legislature and signed into law by Governor Michael S. Dukakis on July 24, 1989. TURA committed Massachusetts to:

- Reduce the generation of toxic waste by 50 percent statewide (this was accomplished by 1998);
- Establish toxics use reduction (TUR) as the preferred means for achieving compliance with federal and state environmental, public health and work safety laws and regulations;
- Provide and maintain competitive advantages for Massachusetts businesses, both large and small, while advancing innovation in cleaner production techniques;
- Enhance and strengthen environmental law enforcement across the state; and
- Promote coordination and cooperation among all state agencies that administer toxics-related programs.

After 15 years of successful program implementation, major amendments to TURA were passed by the state Legislature and signed into law by Governor Mitt Romney on July 28, 2006. These amendments:

- Streamlined reporting and planning requirements;
- Established categorization of chemicals as high hazard and low hazard with different reporting thresholds and fees; and
- Provided options for resource conservation planning (e.g., energy, water, materials) and environmental management systems (EMSs) in lieu of toxics use reduction plans in certain circumstances.

How TURA is Administered

Four separate organizations share responsibility for ensuring that the environmental and economic goals of TURA are being met.

- The Massachusetts Department of Environmental Protection (MassDEP), through its Bureau of Waste Prevention, certifies TUR Planners, receives and reviews toxics use reports submitted by companies subject to TURA requirements, provides guidance to both, takes enforcement actions against non-reporters, manages collected data and makes it available to the public, and evaluates the state's overall progress as it works toward TURA goals.
- The Office of Technical Assistance for Toxics Use Reduction (OTA) is a non-regulatory agency within the Executive Office of Environmental Affairs that provides free, confidential, on-site technical and compliance consultations to manufacturers, businesses and institutions. OTA also facilitates the development of innovative TUR technologies and sponsors workshops and conferences that focus on toxics use reduction activities for specific industry sectors.

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- [The Toxics Use Reduction Institute](#) (TURI), on the Lowell campus of the University of Massachusetts, provides TUR education and training for professionals and the general public, conducts a technology transfer program and sponsors research into the development of cleaner, safer production materials and technologies. The Institute consults with an eleven-member Science Advisory Board on issues such as categorization of chemicals as higher hazard or lower hazard and the addition or deletion of chemicals from the TURA chemical list.
- The six-member [Administrative Council on Toxics Use Reduction](#) brings together representatives of state agencies responsible for environmental protection, public health, occupational safety and economic development. Assisted by an Advisory Committee of stakeholders, the Council is responsible for coordinating better state enforcement of laws and regulations intended to reduce chemical use and toxic waste, protect the environment, improve worker safety and safeguard public health.

Benefits of TURA

As they have worked to comply with TURA, companies across the state have found that they can lower their environmental permitting, production and waste management costs by:

- Changing and modernizing production practices;
- Improving operation and maintenance;
- Reformulating products with non-toxic ingredients; and
- Recycling raw materials throughout the production process.

By emphasizing industrial efficiency and pollution prevention, toxics use reduction (TUR) benefits the environment, the economy and the overall quality of life in Massachusetts.

Applicability Criteria and Company Requirements

TURA applies to companies that:

- Manufacture, process or otherwise use a TURA-listed chemical at or above any one of the following reporting thresholds:
 - 25,000 pounds for a chemical that was manufactured or processed;
 - 10,000 pounds for a chemical that was otherwise used;
 - 1,000 pounds for a higher hazard chemical that was manufactured, processed, or otherwise used;
 - For designated Persistent Bioaccumulative Toxics (PBTs), 100 pounds, 10 pounds or 0.1 gram, depending on the chemical; and
- Employ the equivalent of ten or more full-time workers; and
- Fall within at least one of the following Standard Industrial Classification (SIC) Codes (or corresponding NAICS codes):
 - 10 through 14 - Mining
 - 20 through 39 - Manufacturing
 - 40, 44 through 49 - Transportation
 - 50 and 51 - Wholesale
 - 72, 73, 75 and 76 - Certain Services

A company that meets all three of the above criteria is considered a Large Quantity Toxics User (LQTU) and is required by TURA to:

- Submit a toxics use report to MassDEP every year.
- Develop an initial TUR plan the first even-numbered year after filing, a TUR plan update every even-numbered year thereafter, and submit a summary of each to MassDEP.
- Once an initial TUR plan and two plan updates have been completed, a resource conservation plan addressing energy, water, or materials can be prepared on an

every-other-planning-cycle basis, or an environmental management system (EMS) can be implemented in lieu of a TUR plan provided the EMS addresses toxics.

- Pay an annual toxics use fee.

Failing to file annual reports, develop plans, or pay toxics use fees can result in MassDEP enforcement action, including financial penalties. See MassDEP and Administrative Council regulations for additional information: 310 CMR 50.00 (Reporting, Planning, TUR Planners), 301 CMR 40.00 (TURA Fees) and 301 CMR 41.00 (TURA Chemicals). *Please note that these regulations are in the process of being updated to reflect the 2006 TURA statutory amendments.*

Annual Reporting

Each Large Quantity Toxics User is required to file an annual toxics use report that includes a federal TRI Form R and a Massachusetts Form S for each TURA-listed chemical they manufacture, process or otherwise use above applicable thresholds. Toxics use reports may be filed online via eDEP.

Form S identifies the quantity of each listed chemical used, generated as byproduct (i.e., as waste) and shipped as part of a finished product. Form R identifies the quantity of each listed chemical released to the environment or transferred off-site for further waste management. Form R must also be filed with EPA (except for state-only Form Rs for TURA-only listed chemicals).

In addition, companies must identify each production process and product (called a production unit) in which the chemical is used, and measure significant changes in toxics use and byproduct generation compared to the previous year.

Toxics Use Fees

Companies subject to TURA are required to pay annual toxics use fees. These are based on a formula that takes into account the number of people the company employs and the number of listed chemicals it manufactures, processes or otherwise uses in excess of applicable thresholds. Companies calculate their fees using a fee worksheet that is submitted with their annual toxics use report.

TUR Planning

A TUR Plan is a document that provides both economic and technical evaluations of the toxics use reduction opportunities available to a company, and identifies those methods, if any, that the company intends to implement. The plan must contain:

- A corporate toxics use reduction policy statement;
- An assessment of how and in what quantities listed chemicals are used and generated as waste by the company;
- A list of available toxics use reduction options, evaluations of those that appear to be technically and economically feasible, and
- For those options to be employed, a description and implementation schedule.

The company is not obligated to submit the plan itself to MassDEP, but is required to obtain approval of the plan from a MassDEP-certified TUR Planner and provide the agency with a summary that includes a signed plan certification statement.

Many companies establish planning teams and involve the work force in various steps: analyzing production, tracking the use of materials, auditing health and environmental regulations, and identifying available toxics use reduction options. The support of upper level management is often the key to implementation of a successful TUR program.

Once a company has completed an initial toxics use reduction plan and two plan updates the company can develop a resource conservation plan addressing water, energy, or

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materials use (allowed every other planning cycle) or implement an EMS in lieu of a TUR plan provided the EMS addresses reportable toxics.

TUR Planners

Toxics Use Reduction (TUR) Planners are environmental, safety or process professionals who have passed a uniform certification exam developed by MassDEP and/or have demonstrated relevant education and experience.

Once certified by MassDEP, TUR Planners are qualified to prepare and certify toxics use reduction plans, resource conservation plans, or EMSs for companies that are required to report under TURA. There are two types of TUR Planners:

- General Practice Planners may act as consultants to multiple clients, assisting in plan development and certification.
- Limited Practice Planners may certify plans only for the organizations that employ them.

TUR Planners are certified for a period of two years and are required to obtain continuing education credits from MassDEP during that period by participating in a variety of courses and activities intended to keep them current on toxics use reduction and resource conservation best practices. MassDEP maintains a directory of certified TUR Planners.

Federal Reporting

Companies subject to TURA reporting and planning requirements also may have annual reporting obligations under EPCRA and the federal Pollution Prevention Act of 1990. Those laws established and expanded the [Toxics Release Inventory](#) (TRI), a publicly available database of toxic chemical releases and waste management activities maintained by EPA.

EPCRA requires industry to submit "Community Right to Know" reports on the hazardous and toxic chemicals they are using, allowing government at all levels to use that information for planning responses to potential chemical emergencies. The law increases public awareness of and access to information on the presence of hazardous chemicals in the community and releases of these chemicals into the environment.

TRI Explorer, maintained by EPA, provides fast and easy access to TRI data that can help communities identify facilities and chemical releases that warrant further study and analysis.

Additional Information

For more information on the TURA program, please visit MassDEP's website at www.mass.gov/dep/toxics/toxicsus.htm or contact Lynn Cain at MassDEP at 617-292-5711 or lynn.cain@state.ma.us.

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